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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,631	07/27/2001	Toshio Hosogai	0815-4001	9472
24259	7590	04/04/2006	EXAMINER	
BRENDA POMERANCE LAW OFFICE OF BRENDA POMERANCE 260 WEST 52 STREET SUITE 27B NEW YORK, NY 10019			HOEY, ALISSA L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,631

Applicant(s)

HOSOGAI, TOSHIO

Examiner

Alissa L. Hoey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is response to RCE and amendment received on 03/23/06. Claims 1, 5 and 7 have been amended. Claims 1 and 5-8 have been finally rejected below.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the term "devoid of an enclosing hem" that has been amended into the claims, is not found in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Chujfi (US 3,234,564).

In regard to claim 1, Chujfi teaches an improved reversible zipper fly cover comprising a zipper having a first attachment strip(44) opposite a second attachment strip(44). A first panel zipper flap (12) connected to the first attachment strip (44) and attached by a first finished seam (column 3, lines 1-20). A second panel zipper flap (12) connected to the second attachment strip (44) and attached by a second finished seam

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(column 3, lines 1-20). A first fly cover flap (49) formed by attaching the first panel zipper flap (44) to the first panel by a first fly cover finish seam (40). A second fly cover flap (49) formed by attaching the second panel zipper flap (44) to the second panel by a second fly cover finish seam (40). The reversible zipper flap cover is symmetric so that each of the first and second fly cover flaps can be used as the outsides of the reversible zipper fly cover (figures 1 and 2, identifier 49).

In regard to claim 5, Chujfi teaches a method for producing a zipper fly cover the method comprising the steps of connecting a first panel to a first panel zipper flap by a first finished seam (column 3, lines 1-20). Connecting a second panel to a second panel zipper flap by a second finished seam (column 3, lines 1-20). Attaching a first attachment strip (49) of a reversible zipper (46, 48) to the first panel zipper flap (44) in a manner offset from an outer edge by a first attachment seam (40). Attaching a second attachment strip (49) of the reversible zipper (46, 48) to the second panel zipper flap (44) in a manner offset from an outer edge, by a second attachment seam (40), so that the first attachment strip and the first panel zipper flap are generally parallel. Forming a first fly cover flap (49) by attached the first panel zipper flap (44) to the first panel (12) by a first fly cover finished seam (40), so that the second attachment strip and the second panel zipper flap are generally parallel. Forming a second fly cover flap (49) by attaching the second panel zipper flap (44) to the second panel by a second fly cover finish seam (40).

However, Chujfi fails to teach the first and second attachment strips being devoid of an enclosing hem.

It would have been obvious to have provided the first and second attachment strips being devoid of an enclosing hem or having an enclosing hem, because as long as the attachment strips are attached to the first and second zipper flaps and provide a reversible fly structure the presence or not of an enclosing hem does not effect the reversibility of the zipper structure and therefore can be there or not. There is no discussion in the originally filed disclosure detailing the criticality or advantage of the first and second attachment strips being devoid of an enclosing hem.

In regard to claim 6, Chujfi teaches the method of forming a crotch seam extending laterally downward (see crotch seam in figures 1 and 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chujfi in view of Vaghela (GB 2153656 A).

Chujfi teaches a reversible garment with a reversible fly comprising a first panel zipper flap (49) attached to a first panel of the reversible garment. A second panel zipper flap (49) attached to a second panel of the reversible garment, the second panel zipper flap (49) having the same shape as the first panel zipper flap (49). The reversible fly is symmetric so that each of the first and second sides of the garment can be used as the outside of the garment (figures 1 and 2, identifier 49).

However, Chujfi fails to teach the zipper having a reversible traveler guide located between the first and second fly cover flaps. Further, Chujfi fails to teach the first and second attachment strips being devoid of an enclosing hem.

It would have been obvious to have provided the first and second attachment strips being devoid of an enclosing hem or having an enclosing hem, because as long as the attachment strips are attached to the first and second zipper flaps and provide a reversible fly structure the presence or not of an enclosing hem does not effect the reversibility of the zipper structure and therefore can be there or not. There is no discussion in the originally filed disclosure detailing the criticality or advantage of the first and second attachment strips being devoid of an enclosing hem.

Vaghela teaches a reversible fly comprising a zipper having a reversible traveler guide located between the first and second panel zipper flaps (figures 3 and 4, identifier 22).

In regard to claim 8, Vaghela teaches the reversible traveler guide being positioned from each of the first and second sides of the garment (figures 3 and 4, identifiers 22).

It would have been obvious to have provided the reversible fly of Chujfi with the reversible traveler guide of Vaghela, since the reversible traveler guide provided in the reversible fly of Chujfi would provide a reversible fastening system with only one traveler that is operable in both the obverse and reverses modes without needing two traveler guides.

Response to Arguments

7. Applicant's arguments filed 03/23/06 have been fully considered but they are not persuasive.

I) Applicant argues that Chujfi (US 3,234,564) fails to teach the first and second attachment strips being devoid of an enclosing hem.

Examiner notes that the attachment strips being devoid of an enclosing hem is not discussed in the specification detailing why it is critical to the invention or an advantage to the invention over other embodiments. Since the originally filed disclosure is silent on the first and second attachment strips being devoid of an enclosing hem, then the presence of an enclosing hem or the non-presence of an enclosing hem is not critical to the invention as long as the first and second attachment strips are attached to zipper flaps and provide a reversible zipper fly construction.

Conclusion

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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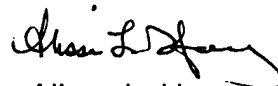
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alissa L. Hoey
Primary Examiner
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